

Introduced by Senator Calderon

February 27, 2009

An act to add Section 11542 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 627, as amended, Calderon. Vehicles: catalytic converters: junk dealers and recyclers.

(1) Existing law requires a person who is engaged in the business of buying, selling, or dealing in integral parts of, or component materials of, a vehicle, or deals in used motor vehicle parts to obtain a license from the Department of Motor Vehicles. A violation of this provision is a crime.

This bill would ~~prohibit~~ *require* a recycler or a junk dealer from ~~accepting a core recycler that accepts catalytic converter unless the recycler or junk dealer is also a licensed automobile dismantler~~ *converters to maintain specified information regarding the purchase and sale of the catalytic converters for not less than 2 years. The recycler or core recycler would be required to provide this information for inspection by local law enforcement upon demand. The bill would provide that a person who violates these requirements would be guilty of a misdemeanor and would impose specified punishment upon conviction.* Because a violation of ~~this prohibition~~ *these requirements* is a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11542 is added to the Vehicle Code, to
2 read:

3 ~~11542. A recycler, as defined in subdivision (b) of Section~~
4 ~~21605 of the Business and Professions Code, or a junk dealer, as~~
5 ~~defined in Section 21601 of the Business and Professions Code,~~
6 ~~shall not accept a catalytic converter unless the recycler or junk~~
7 ~~dealer is also an automobile dismantler licensed pursuant to this~~
8 ~~chapter.~~

9 *11542. (a) For the purposes of this section, the following terms*
10 *have the following meanings:*

11 *(1) "Core recycler" means a person or business that buys used*
12 *individual catalytic converters, transmissions, or other parts*
13 *previously removed from a vehicle. A person or business that buys*
14 *a vehicle that may contain these parts is not a core recycler.*

15 *(2) "Recycler" has the same meaning as that set forth in*
16 *subdivision (b) of Section 21605 of the Business and Professions*
17 *Code.*

18 *(b) A recycler or core recycler who accepts a catalytic converter*
19 *for recycling shall maintain a written record that contains all of*
20 *the following:*

21 *(1) The place and date of each sale or purchase in conduct of*
22 *his or her business as a recycler or core recycler.*

23 *(2) The name, valid driver's license number and state of issue,*
24 *or California-issued identification number, of the seller of the*
25 *catalytic converter and the vehicle license number, including state*
26 *of issue of a motor vehicle used in transporting the catalytic*
27 *converter to the recycler's or core recycler's place of business.*

28 *(3) A description of the catalytic converters purchased or sold,*
29 *including the item type and quantity, and identification number,*
30 *if any.*

31 *(4) A statement indicating either that the seller of the catalytic*
32 *converter is the owner of the catalytic converter, or the name of*
33 *the person from whom he or she has obtained the catalytic*

1 converter, including the business, if applicable, as shown on a
2 signed transfer document.

3 (c) A recycler or core recycler engaged in the selling or shipping
4 of used catalytic converters to other recyclers or smelters shall
5 retain information on the sale that includes all of the following:

6 (1) The name and address of each person to whom the catalytic
7 converter is sold or disposed of.

8 (2) The quantity of catalytic converters being sold or shipped.

9 (3) The amount that was paid for the catalytic converters sold
10 in the transaction.

11 (4) The date of the transaction.

12 (d) A recycler or core recycler shall not provide payment for a
13 catalytic converter unless all of the following requirements are
14 met:

15 (1) The payment is made by check and provided to the seller by
16 either of the following:

17 (A) (i) Except as provided in clause (ii), mailed to the seller at
18 the address provided pursuant to paragraph (3).

19 (ii) For a seller that is a business, mailed to the seller's business
20 address.

21 (B) (i) Except as provided in clause (ii), collected by the seller
22 from the recycler on the third business day after the date of sale.

23 (ii) A seller that is a business may receive immediate payment.

24 (2) At the time of sale, the recycler or core recycler obtains a
25 clear photograph or video of the seller.

26 (3) (A) Except as provided in subparagraph (B), the recycler
27 or core recycler obtains a copy of the valid driver's license of the
28 seller or the seller's agent containing a photograph and an address
29 of the seller or the seller's agent, or a copy of a state or federal
30 government issued identification card containing a photograph
31 and an address of the seller or the seller's agent.

32 (B) If the seller prefers to have the check for the catalytic
33 converter mailed to an alternative address, other than a post office
34 box, the recycler or core recycler shall obtain a copy of a driver's
35 license or identification card described in subparagraph (A) and
36 a gas or electric utility bill addressed to the seller at the alternative
37 address with a payment due date no more than two months prior
38 to the date of sale. For the purpose of this subparagraph,
39 "alternative address" means an address that is different from the

1 address appearing on the seller's driver's license or identification
2 card.

3 (4) The recycler or core recycler obtains a clear photograph
4 or video of the catalytic converter being sold.

5 (e) A recycler or core recycler shall keep and maintain the
6 information required pursuant to this section for not less than two
7 years.

8 (f) A recycler or core recycler shall make the information
9 required pursuant to this section available for inspection by local
10 law enforcement upon demand.

11 (g) A person who makes, or causes to be made, a false or
12 fictitious statement regarding any information required pursuant
13 to this section is guilty of a misdemeanor.

14 (h) A person who violates the requirements of this section is
15 guilty of a misdemeanor.

16 (i) Upon conviction, a person who knowingly and willfully
17 violates the requirements of this section shall be punished as
18 follows:

19 (1) For a first conviction, by a fine of one thousand dollars
20 (\$1,000).

21 (2) (A) For a second conviction, by a fine of not less than two
22 thousand dollars (\$2,000).

23 (B) In addition to the fine imposed pursuant to subparagraph
24 (A), the court may order the defendant to cease engaging in the
25 business of a recycler or core recycler for a period not to exceed
26 30 days.

27 (3) (A) For a third and subsequent conviction, by a fine of not
28 less than four thousand dollars (\$4,000).

29 (B) In addition to the fine imposed pursuant to subparagraph
30 (A), the court shall order the defendant to cease engaging in the
31 business of a recycler or core recycler for a period not less than
32 one year.

33 SEC. 2. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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